

**REMARKS**

Applicants respectfully ask for reconsideration of both this application and the Office Action of February 20, 2004.

In that Office Action, the Examiner rejected claims 10-14 under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse this rejection, and ask for its reconsideration. In making this rejection, the Examiner objected to the use of the phrase “one or more pieces of footwear in a variety of sizes...” Accordingly, Applicants have amended claim 10 to alternately recite --a plurality of pieces of footwear in a variety of sizes--. The Examiner also objected to the term “the interior” for lack of antecedent basis. Applicants have therefore amended claim 10 to instead recite --an interior--.

In addition to these objections, the Examiner objected to both instances of the language “that piece [of footwear]” for purportedly being unclear as to what this language is intended to reference. Applicants respectfully point out that both uses of this language occur within a sentence phrase beginning with “such that an interior of each piece of footwear...” Accordingly, Applicants submit that a reader would unambiguously understand the language “that piece of footwear” to refer back to (and modify) the term “each piece of footwear” at the beginning of the phrase. The Examiner is invited, however, to suggest alternate language that the Examiner believes would be clearer.

The Examiner also objected to the recitation of the language “for remolding lengths and widths of pieces of footwear...” Applicants respectfully point out that this language is employed

with regard to the footwear manufacturing unit. It is respectfully submitted that such a manufacturing unit would not be limited to remolding only a single piece of footwear, any more than an automobile manufacturing plant would be limited to manufacturing only a single automobile. Applicants therefore ask that the Examiner's objection to the recitation of both this language and the recitations of the term "that piece of footwear" be withdrawn.

Lastly, the Examiner objected to the use of the language "at least some of the pieces footwear" in claim 11. Applicants are uncertain as to the basis of the Examiner's objection. This language simply clarifies that the last inventory according to the invention need not contain a last that can be used to remold lengths or widths of every piece of footwear in the footwear inventory. Accordingly, Applicants courteously ask that the rejection of claims 10-14 under 35 U.S.C. §112, second paragraph, be withdrawn.

Next, the Examiner rejected claims 10 and 11 under 35 U.S.C. §103 over U.S. Patent No. 5,714,098 to Potter et al. in view of U.S. Patent No. 5,783,810 to Kelly, Jr. Claims 12-14 were then rejected under 35 U.S.C. §103 over the combination of the Potter et al. and Kelly, Jr. patents, and in further view of U.S. Patent No. 5,339,252 to White et al. Applicants courteously traverse both of these rejections, and respectfully ask for its reconsideration.

Claims 10-14 are amended herein to recite "an order receiving unit that receives orders from customers for footwear to custom fit the customer, each order identifying at least one last." Thus, this claim recites an order receiving unit that allows customers to order footwear based upon a last shape rather than a conventional size/width combination. Applicants respectfully

point out that this feature is not taught or suggested by any combination of the Potter et al. and Kelly, Jr. patents. The Potter et al. patent describes a method for completing the manufacturing process of footwear at a retail location, thereby allowing the retail location to reduce the amount of stock required to provide footwear in a variety of sizes. The Kelly, Jr. et al. patent is directed to the tracking of inventory of multiple goods in multiple cartons, and thus is completely silent as to ordering footwear by specifying a last.

Accordingly, Applicants submit that no combination of the Potter et al. and Kelly, Jr. et al. patents would teach or suggest the features of the invention recited in any of claims 10-14. Further, Applicants courteously submit that the White et al. patent does not remedy the omissions of the combination of the Potter et al. and Kelly, Jr. patents. Applicants therefore ask that the rejection of claims 10-14 over the combinations of the Potter et al., Kelly, Jr., and White et al. patent be withdrawn.

It is respectfully submitted that no fees are due for the consideration of this Request. If, however, the Examiner deems that fees are necessary, including any fees under 37 C.F.R. §1.116 or §1.17, then it is courteously requested that the Examiner charge such fees to the deposit account of the undersigned, Deposit Account No. 19-0733.

In view of the above remarks and comments, Applicants respectfully submit that all of the claims are allowable, and that this application is therefore in condition for allowance.

Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

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